

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAVIER SALDANA,

Petitioner,

vs.

ISIDRO BACA, et al.,

Respondents.

Case No. 3:14-cv-00417-RCJ-WGC

**ORDER**

Petitioner has submitted an application to proceed in forma pauperis (#1) and a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court finds that petitioner is unable to pay the filing fee. Petitioner is in custody pursuant to a judgment of conviction of a state court, and thus 28 U.S.C. § 2254 applies. Petitioner has used the wrong form, and he has not supplied the court with information to determine whether respondents should be directed to file a response. The court will give petitioner the opportunity to correct this problem.

IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of habeas corpus under 28 U.S.C. § 2241.

IT IS FURTHER ORDERED that the clerk of the court shall send petitioner a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have thirty (30) days from the date that this order is entered in which to file an amended petition. Neither the foregoing deadline nor any extension thereof signifies or will signify any implied finding of a

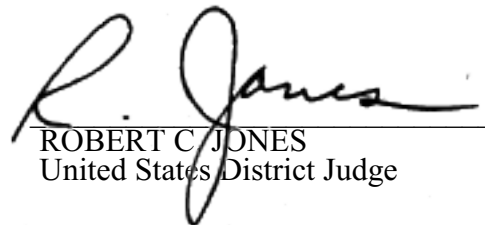
1 basis for tolling during the time period established. Petitioner at all times remains responsible for  
2 calculating the running of the federal limitation period and timely asserting claims. Failure to  
3 comply with this order will result in the dismissal of this action.

4 IT IS FURTHER ORDERED that petitioner shall clearly title the amended petition as such  
5 by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas Corpus  
6 Pursuant to 28 U.S.C. § 2254" on page 1 in the caption, and petitioner shall place the docket  
7 number, 3:14-cv-00417-RCJ-WGC, above the word "AMENDED."

8 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney  
9 General for the State of Nevada, as counsel for respondents.

10 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a  
11 copy of the petition and this order. Respondents' counsel shall enter a notice of appearance herein  
12 within twenty (20) days of entry of this order, but no further response shall be required from  
13 respondents until further order of the court.

14 Dated: August 26, 2014.

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17 ROBERT C. JONES  
18 United States District Judge  
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